given notice and requested permission to move the same.

The motion read as follows :—

"That the business of the House be adjourned to discuss a definite urgent matter of public importance, to wit, the anomalous situation that has arisen as a result of the recent judgment of the High Court in Mis. Appeal No. 21 of 41-42 on its file, which has rendered two obviously inconsistent interpretations of the same Electoral Role one by the High Court, and the other by many Returning Officers, to hold the field at the same time."

The PRESIDENT disallowed the motion. While disallowing it, he remarked that it was not usual for the Assembly, consistent with recognised legislative practice, to carry on discussion which might occasion, however incidentally, comments on judicial decisions; that a substantive resolution (No. 35) suggesting a revision of the election rules had been already included in the agenda so that the present adjournment motion, which was in the nature of an anticipatory motion, was not admissible under Standing Order No. 20 (iv); and that while adjournment motions were designed to enable members to express their views by way of comment on particular actions or policies of Government, the present motion related to a matter of interpretation by a court of law in the exercise of its judicial functions.

Mr. K. CHENGALARAYA REDDY requested that he might be kindly permitted to explain the general effect of the High Court judgment on the country at large.

Mr. S. C. MALLIAH rose to a point of order and said that as the President had given his ruling already, it was not open to any member to discuss the matter any further.

The PRESIDENT agreed that further discussion on the matter could not be permitted.

GOVERNMENT BUSINESS—BILLS.

1. The Mysore Labour Bill.

The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. V. Vedavyasacharya) explained the principles of the Bill as follows :—

There was till recently in Mysore no machinery for the settlement of industrial disputes. The increasing number of such disputes and the loss occasioned thereby to the employees, the employed and the public at large required that methods should be devised for preventing the occurrence of lightning strikes and lock-outs and securing their speedy termination when they occur.

In British India, as early as 1926, the Trade Union Act was passed into law and in 1929 the Trade Disputes Act was passed. The former Act legalises the formation of trade unions and gives protection to their legitimate activities. The Trade Disputes Act, 1929, provides for the constitution of Courts of Inquiry and Boards of Conciliation to examine trade disputes and endeavour to bring about a settlement and submit a report. Such report by the Court or Board is not binding on the parties. Reliance is placed on the force of public opinion which is expected to be framed on the basis of the report.

While helping the investigation of points in dispute such a procedure did not help to bring about a settlement. In 1938 legislation was taken up in Bombay designed to bring about settlement by conciliation and arbitration. By the Bombay Act, an award by an arbitrator is made binding on the parties to the arbitration, but reference to arbitration can be only at the request or approval of both the parties to a dispute. That Act has elaborate provisions for recognition of Unions and similar matters.

In Mysore, strikes and lock-outs have been unfortunately frequent of late. The report of *Rajasevaprasakta* A.V. Ramanathan, who was appointed to go into the question of the recent strike at the Binny Mills in Bangalore and the report of *Rajamantrapravina Diwan Bahadur* K. Matthan, who was appointed to enquire into the condition of labour in the Gold Fields at Kolar, both stressed the necessity for legislation to prevent lightning strikes and ensuring prompt settlement of trade disputes. A committee was appointed by Government on 10th June 1941 to consider the question. The committee consisted of representatives of employers and workmen and Government Officers

handling labour problems, with the Minister for Law as the Chairman. The committee unanimously recommended the Bill now before the House.

In considering this question, two basic principles have been in view. The first is that any attempt to deal with unrest which is the cause of all disputes, must begin rather with the creation of an atmosphere unfavourable to disputes than with machinery for their settlement. The first factor contributing to unrest is the lack of means for mutual understanding between employers and the employed. The growth of large-scale industry renders impossible the close personal relations between the employer and the employed which obtains when employees are few. The only practical way in which such contact could be established is the formation of an association of employees in each large industrial undertaking with the statutory right of representing the employees.

The second principle is that when once a dispute occurs or difference exists between employer and employee, settlement should be secured through goodwill and mutual understanding between the parties than on any external or statutory pressure brought upon them. Objections to any scheme involving the compulsory reference of all disputes to arbitration are formidable quite apart from the practical difficulties that confront such a proposal. It has been considered therefore desirable that both conciliation as well as arbitration should be based on the consent of parties. But once such consent is given, an award is made binding on the parties.

The Mysore Labour Bill is framed on these principles. It recognises and declares the right of employees in an industrial undertaking to combine among themselves for the promotion of their common interests. It applies to all undertakings whether owned by a private person, Government or local authority. Immediately the association of employees in an industrial undertaking is registered, it acquires statutory rights. No separate recognition is necessary as under the Bombay Act. The conditions of service are required to be reduced to writing in the shape of standing orders. The matters to be provided by standing orders are enumerated in a schedule. Another schedule enumerates other matters which are casual in nature and cannot be incorporated in standing orders.

The procedure for initiating changes in these standing orders or casual matters by either party is prescribed and machinery created for settling disputes that may arise. Illegal changes are made punishable by the Bill.

Certain important safeguards have also been provided in the Bill. One of them is that an employer shall not dismiss or reduce any employee or punish him in any other manner for being connected with an association or its lawful activities. Another is that information furnished by a party to an industrial dispute should, if he so desires it, be treated as confidential.

The Bill declares that strikes and lock-outs will be illegal if commenced without the requisite notice or in contravention of any settlement or award or during conciliation or arbitration proceedings or before the expiry of 14 days after the publication of the Report of a Conciliator or Board of Conciliation, and provides suitable punishments. Instigation by outsiders of illegal strikes or lock-outs is also made punishable.

The members representing labour on the committee requested that in view of general agreement in the committee the Bill might be passed as an emergency measure excluding the provisions relating to standing orders which require time for being drafted. The Government published the report of the committee and its Bill and were watching public opinion on the report.

On the 20th August 1941, a fresh strike occurred in the Bangalore Woollen and Cotton Mills, Ltd., Bangalore. In order to prevent the occurrence of lightning strikes, the Mysore Labour (Emergency) Act, 1941, was promulgated as an emergency measure. It is now proposed to place it permanently on the Statute Book.

At 4-15 p.m., the House adjourned for the day to meet again at 12 noon the following day.